

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

129

CWP-7775-2024 (O&M)
Date of decision: 08.04.2024

SVN Associates, Palwal ...Petitioner
VERSUS
State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. M.K. Sood, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ especially in the nature of Mandamus directing the respondents to release the due payment of Rs. 5,42,178/- for providing tractor water pump for pumping out rain water from Shiv Colony, Cremation Ground, Islamabad and Basant Garh, along with interest @ 18% per annum.

Learned counsel for the petitioner contends that the aforesaid works were allotted to the petitioner-firm in the year 2019 and the same stands successfully executed, however, the due payment against the execution of the aforesaid works have not been released yet, even though the bills raised by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 02.05.2023 (Annexure P-9) has been sent by the petitioner and that despite a lapse of more than 10 months since the date of the legal notice, neither any decision has been taken thereupon nor has the due undisputed payment been released by the respondents. He further contends that he would be satisfied in case

the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG Haryana, accepts notice on behalf of respondent No.1 and 2 and Mr. Vivek Saini, Advocate, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to and accepts notice on behalf of respondents No.3 and 4, and submit that they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.4-Executive Officer, Municipal Council, Palwal, is directed to take note of the legal notice dated 02.05.2023 (Annexure P-9) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

08.04.2024

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No